

EXHIBIT 46

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRACY HOWARD, ADINA RINGLER, :
and TRECEE ARTIS, on behalf :
of themselves and all others :
similarly situated, :
Plaintiffs, : Case No.
vs. : 3:22-cv-527-VC
THE HAIN CELESTIAL GROUP, INC., :
Defendant. :
_____ x

VIDEOTAPED DEPOSITION OF ADINA RINGLER

Conducted Virtually

Wednesday, June 21, 2023

10:03 A.M.

Job No.: 497318

Pages: 1-113

Reported by: Crystal Hereford, RPR

Transcript of Adina Ringler
Conducted on June 21, 2023

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1 Videotaped deposition of ADINA RINGLER,
2 conducted virtually.

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6 Pursuant to notice, before
7 CRYSTAL HEREFORD, Registered Professional Reporter,
8 Certificate No. 30819; California Certified
9 Reporter, Certificate No. 14416; and Arizona
10 Certified Shorthand Reporter, Certificate No. 50893.

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1	Planet Depos.	10:04:04
2	The witness will now be sworn.	10:04:04
3	ADINA RINGLER,	10:04:27
4	a witness herein, having been first duly sworn by	10:04:27
5	the certified reporter to speak the truth, the whole	10:04:27
6	truth, and nothing but the truth, was examined and	10:04:27
7	testified as follows:	10:04:27
8	EXAMINATION	10:04:27
9	BY MR. SMITH:	10:04:27
10	Q. Good morning, Ms. Ringler.	10:04:28
11	A. Good morning.	10:04:29
12	Q. Could you please state your full name for	10:04:30
13	the record?	10:04:32
14	A. Adina Ringler.	10:04:32
15	Q. Okay. Ms. Ringler, have you ever been	10:04:34
16	deposed before?	10:04:36
17	A. No. This is my first time.	10:04:36
18	Q. Have you ever testified at a trial or a	10:04:39
19	hearing?	10:04:42
20	A. No.	10:04:42
21	Q. Okay. So I want to go over some ground	10:04:43
22	rules just to make sure we're on the same page.	10:04:47
23	Hopefully they'll all be common sense, but we'll	10:04:52
24	just walk through them.	10:04:54
25	So this is a deposition, which means that	10:04:55

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1	A.	Thank you.	10:07:58
2	Q.	And have you ever been married to anyone	10:07:59
3		other than Mr. Reich?	10:08:01
4	A.	No.	10:08:03
5	Q.	And you have two children, correct?	10:08:03
6	A.	Correct.	10:08:06
7	Q.	How old is each child?	10:08:06
8	A.	My daughter is 8 years old, and my son is	10:08:10
9		5 years old. He just turned 5 in May.	10:08:14
10	Q.	And both of those children live with you?	10:08:27
11	A.	Yes.	10:08:29
12	Q.	And no other children in the picture?	10:08:29
13	A.	Nope.	10:08:31
14	Q.	No stepkids or anything like that?	10:08:32
15	A.	No.	10:08:34
16	Q.	Ms. Ringler, where did you grow up?	10:08:35
17	A.	In Northridge. This is -- the house we	10:08:37
18		live in is actually my parents' house. So we're	10:08:41
19		doing like a -- yeah. They generously let us rent	10:08:43
20		it from them instead of selling it so we could be	10:08:51
21		close to them, close to the grandparents, and --	10:08:54
22		yeah.	10:08:57
23	Q.	That's great.	10:08:57
24	A.	So I'm living in my childhood home, fixing	10:08:59
25		it up one slow step at a time.	10:09:02

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1 pouches, because my kids, like, always were 11:02:27
2 constipated. I don't know. So prunes were, like, 11:02:31
3 the go-to for pouches, but we did rely on other 11:02:34
4 flavors and other food combinations as well. 11:02:38

5 Q. But Earth's Best and Plum were sort of 11:02:42
6 your go-to brands for baby food, toddler food? 11:02:45

7 A. Yes. 11:02:49

8 Q. When was the first time that you purchased 11:02:51
9 a product sold under the Earth's Best line? 11:02:53

10 A. Probably with my daughter. She was born 11:02:57
11 in 2014, so probably mid-2015 was when I first tried 11:03:01
12 those products. 11:03:09

13 Q. Okay. And do you recall roughly how old 11:03:11
14 your daughter was in mid-2015 when you first bought 11:03:14
15 her an Earth's Best product? 11:03:18

16 A. With both my daughter and son, we started 11:03:20
17 introducing solid foods after six months. So I 11:03:27
18 would say between the 6- to 8-month range is when 11:03:30
19 they tried -- they first tried Earth's Best. 11:03:33

20 Q. And did you pick the 6- to 8-month range 11:03:35
21 based on, like, a pediatrician's advice or... 11:03:39

22 A. Uh-huh. 11:03:42

23 Q. And do you recall what specific food you 11:03:43
24 started buying your children at 6 to 8 months from 11:03:45
25 the Earth's Best line? 11:03:49

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1	high-quality, natural, healthy-type brand. Is that	11:21:55
2	correct?	11:21:58
3	A. Yes.	11:21:58
4	Q. What was that perception based on?	11:21:59
5	A. The information on the package usually.	11:22:12
6	Q. Was there any information that you	11:22:15
7	received other than the packaging that sort of	11:22:17
8	suggested to you that Earth's Best was a	11:22:20
9	high-quality or healthy brand or anything like that?	11:22:22
10	A. No.	11:22:24
11	Q. Did you ever visit the Earth's Best	11:22:30
12	website at any point?	11:22:33
13	A. I don't recall.	11:22:34
14	Q. No specific recollection of visiting it?	11:22:35
15	A. No.	11:22:37
16	Q. Ms. Ringler, at some point you purchased	11:22:38
17	some of the fruit yogurt smoothie pouches, correct?	11:22:47
18	A. Correct.	11:22:52
19	Q. And one of those was the apple blueberry	11:22:54
20	fruit yogurt smoothie pouch?	11:22:59
21	A. Correct.	11:22:59
22	MR. SMITH: I'm going to ask the court	11:23:00
23	reporter to put Exhibit 4 up.	11:23:02
24	(Exhibit Number 4 introduced.)	11:23:12
25	Q. Ms. Ringler, does this label look familiar	11:23:13

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1	to you?	11:23:16
2	A. Yes.	11:23:16
3	Q. And is this the label of the apple	11:23:16
4	blueberry fruit yogurt smoothie that you bought for	11:23:19
5	your son?	11:23:24
6	A. Yes.	11:23:25
7	Q. And did you buy this product only for your	11:23:26
8	son? Or also for your daughter?	11:23:29
9	A. I don't recall.	11:23:32
10	Q. Okay. Do you recall the first time that	11:23:33
11	you bought this product for your son?	11:23:37
12	A. I don't recall.	11:23:40
13	Q. Do you recall how old he was?	11:23:42
14	A. Probably 8 months to a year.	11:23:47
15	Q. Do you recall which portion of -- which	11:23:58
16	portions of the labeling you reviewed prior to	11:24:01
17	purchasing this product for your son?	11:24:03
18	A. Yes, the "Excellent source of calcium,	11:24:06
19	vitamins C & D" and "USDA organic."	11:24:11
20	Q. Okay. Are there any other aspects of this	11:24:15
21	product that you reviewed -- or this label that you	11:24:20
22	reviewed prior to purchasing this product for your	11:24:22
23	son for the first time?	11:24:24
24	A. The word "organic" in front of the fruit	11:24:25
25	smoothie also. But generally, I bought it because I	11:24:30

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1	Do you have any understanding of whether	11:25:37
2	other consumers noticed this statement?	11:25:40
3	A. I have no idea.	11:25:42
4	Q. Had this statement appeared on the front	11:25:45
5	label of the product, do you think you would have	11:25:49
6	noticed it?	11:25:52
7	A. Yes.	11:25:52
8	MS. REYNOLDS: Objection to form.	11:25:53
9	Q. Your answer to that question is yes?	11:25:53
10	A. I guess that's speculation. I don't know	11:25:56
11	if I would have seen it or not.	11:25:59
12	Q. You might have, though?	11:26:01
13	A. I might have.	11:26:04
14	Q. Do you think it's more likely that you	11:26:06
15	would have seen it on the front than the back?	11:26:09
16	A. Yes. It's more likely.	11:26:11
17	MR. SMITH: I'm going to ask the court	11:26:18
18	reporter to put Exhibit 5 up on the screen.	11:26:19
19	(Exhibit Number 5 introduced.)	11:26:25
20	Q. You purchased the peach banana fruit	11:26:37
21	yogurt smoothie for your son at some point, correct?	11:26:41
22	A. Correct.	11:26:44
23	Q. And was that at approximately the same	11:26:44
24	time that you purchased it for -- the apple	11:26:46
25	blueberry version?	11:26:49

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1	A.	Correct.	11:26:50
2	Q.	And did you review the same portions of	11:26:51
3		the packaging prior to purchasing this product?	11:26:54
4	A.	Correct.	11:26:56
5	Q.	And you also did not see the "for ages 2	11:26:57
6		and up" statement on this product before purchasing	11:27:01
7		it?	11:27:03
8	A.	Correct.	11:27:03
9	Q.	Do you recall whether you purchased this	11:27:04
10		product for your daughter back when she was an	11:27:09
11		infant or a toddler?	11:27:12
12	A.	I don't recall.	11:27:13
13	Q.	Do you recall purchasing any other	11:27:17
14		versions of the fruit yogurt smoothie pouches for	11:27:19
15		your children?	11:27:23
16	A.	I don't recall.	11:27:24
17	Q.	Do you recall roughly how many times you	11:27:25
18		purchased the fruit yogurt smoothie pouches for your	11:27:27
19		children?	11:27:32
20	A.	I don't recall.	11:27:33
21	Q.	More than once?	11:27:36
22	A.	Yes.	11:27:36
23	Q.	More than twice?	11:27:37
24	A.	Yes.	11:27:38
25	Q.	More than half a dozen times?	11:27:39

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1	A.	Yes.	11:27:44
2	Q.	Is it fair to say that you, you know,	11:27:47
3		regularly or semi-regularly bought these products	11:27:49
4		for your children -- or at least for your son when	11:27:53
5		he was an infant or a toddler?	11:27:56
6	A.	Semi-regularly, yes.	11:27:58
7	Q.	At what age -- well, before I get there,	11:28:01
8		why did you continue to purchase this product for	11:28:05
9		your son?	11:28:09
10	A.	I believed I was giving him something	11:28:10
11		healthy.	11:28:13
12	Q.	Did he like eating it?	11:28:15
13	A.	Yes.	11:28:17
14	Q.	And it was a convenient pouch product,	11:28:18
15		right?	11:28:21
16	A.	Yes.	11:28:22
17	Q.	At the time that you bought this product	11:28:23
18		for your son, did you think that you were paying a	11:28:26
19		fair price for it?	11:28:28
20		MS. REYNOLDS: Objection to form.	11:28:29
21	A.	I don't understand what you mean by	11:28:32
22		"fair."	11:28:33
23	Q.	Well, you paid some amount of money for	11:28:37
24		this product, right?	11:28:39
25	A.	Correct.	11:28:40

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CERTIFICATE OF SHORTHAND REPORTER

I, CRYSTAL HEREFORD, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my signature this 28th day of June 2023.

Crystal Hereford